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A LECTURE

ON THE

OREGON TERRITORY.

- I. THE TITLE OF THE UNITED STATES TO ITS SOVEREIGNTY.
- II. ITS CAPABILITIES AND VALUE TO OUR COUNTRY.
- III. AND THE NECESSITY OF AN IMMEDIATE SETTLEMENT OF IT FROM THE STATES.

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OF PHILADELPHIA.

"DUCIT AMOR PATRIÆ."

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OREGON TERRITORY.

THE subject of the present Essay is of the utmost importance to every American, native or naturalized, who retains within his breast one spark of national feeling or one remaining aspiration for the glory or welfare of this Republic. Our best hopes of present public prosperity, and our most devout expectations of future public renown are intimately connected with one word—"OREGON;" and the American citizen who would refuse to listen to the voice of truth in regard to the momentous national questions connected with that Territory, must be either too supine to be a good or valuable member of this community, or too subservient to the inordinate ambition and avarice of a rival nation, who would rob our children of a noble inheritance. *For the present exposition and discussion is, therefore, claimed a degree of attention much greater than its author has a right, *personally*, to expect, but which cannot exceed that which the subject imperiously demands. As there is much to say no further time will be expended in prefatory remarks, but an immediate entry upon the discussion will be made.

Has the United States title to the Sovereignty of Oregon Territory?

According to established maxims of the Laws of Nations, there are three methods in which a nation may acquire the sovereignty of a country. 1st. By discovery. 2d. By cession of the rightful owner. 3d. By conquest.

A brief explanation of the first title may be useful. Under this title the sovereignty of all the vast regions of North and South America, as well as of the West India Islands was originally acquired; and under this title is it now held, mediately or immediately. Upon the *justice* of a Christian people invading the Territories of barbarous nations and thrusting them from the soil upon which the great God of the universe has planted them, not one word *will* be said—not one word *can* be said, except that it appears to be a law of nature, that *civilized* man shall gradually succeed to the *uncivilized*. It is too late to discuss the question between the European and the Indian with views of retribution; and certain it is, that neither England, France, Spain, Portugal, Holland, Sweden nor Denmark can object to sovereignty thus acquired, since they have all severally, more or less, participated in the practice and enjoyed the profits.

To her possessions in Canada, England can produce no better title than her first discovery, and that of the French, under whom she claims. To the immense regions in South America, Spain never had

any other title. Portugal holds the Brazils by the same tenure. With what justice then could it be required of the United States to produce any other title than her own prior discovery and those of the nations under whom she claims? No other title ever did exist in them, nor ever can be shown.

But what is meant by "*prior discovery*?" Is it a mere view of the land from a distance? It is the first sight, followed up by a landing upon the soil? Is it the first sight of it, landing upon the soil and taking formal possession? Or is it the first sight of the land, followed up by landing and taking possession, and a subsequent settlement of the same, within a reasonable time, under all the circumstances of the case?

It is proposed to show, and will be shown, that the nation with whom we are at present contending for the right of sovereignty to Oregon Territory has, at different times, claimed and maintained sovereignty under *every one* of these definitions of prior discovery—and that the United States can show title to the sovereignty of Oregon Territory *under them ALL*.

Let us begin with the case of the Falkland Islands. In 1592, Capt. Davis, who had been sent out with Cavendish, in his last voyage, was driven by storm towards the Straits of Magellan, where he, *accidentally* saw some of these Islands from the deck of his ship. He left them, without observation, or even giving them a name.

In 1593-4, Sir Richard Hawkins saw one of these Islands, took it for the main, and gave it the name of "*Hawkin's Maiden Land*." The account, taken from history, of this discovery reads as follows:

"Sir Richard Hawkins, being bound for the Straits of Magellan, was driven by a cross wind on some *part of the continent*, to which he gave the name of Hawkin's Maiden Land. A promontory shooting out into the sea with three points he called Point Tremountain, and a pleasant Isle not far distant he called Fair Island."—*Heylyn's Geography, published in London in 1674.*

In 1598-9, Sebald de West, a Dutch navigator, came to the same Islands, and supposing himself to be the first discoverer, called them "*Sebald's Islands*." England heard no more of them for a century; and their *existence* was even called in question.

In the reign of William, one Strong, an Englishman, is said to have found them out again, and he called them "*Falkland's Islands*."

No more was heard or thought of them, in England, until after the treaty of 1763.

In 1794, Capt. Byron, on a voyage of discovery, desecrated Falkland Islands, entered the harbor, landed on one and took possession of the port and surrounding Islands in the name of George III. He called the Haven, "Port Egmont." He made no settlement.

In 1766, the King of Spain sent troops from Buenos Ayres to another of these Islands, took possession of it, *settled it*, and called it "Solidade."

In the same year, Capt. McBride established a garrison at Port Egmont.

It did not appear that either of these persons knew of the movement of the other, before the year 1769. In that year a dispute arose between the two nations as to the sovereignty, which England claimed in right of *prior discovery*. Now this claim of Great Britain was founded upon a discovery of the baldest and most naked character. Their captains saw some of the islands from the decks of their respective ships. They neither landed nor made any demonstrations of an intention of taking possession; nor for one hundred and seventy-four years was it followed up by any attempt to make a settlement; yet Great Britain pertinaciously insisted upon her *exclusive right* to the *wholes* of the islands, and Spain was obliged to submit.

It is requested that this case will be borne in mind until we come to examine the case of Nootka Sound, when Great Britain changed her ground, insisting upon rights of occupancy of recent date, in opposition to the prior discovery of Spain, of a much more perfect kind than this of England to the Falkland Islands.

Let us now examine what were the circumstances under which Great Britain claimed the right of sovereignty over her former North American Colonies, now the United States.

In 1492, Columbus discovered the West Indies.

In 1497, Giovanni Gabato, a Venetian, (Anglice, John Cabot), in the employ of Henry VII, of England, discovered the Island of Newfoundland and the Atlantic coast, as far as what has since been called "Virginia." King Henry was informed of these discoveries, but made no settlement, nor any motion towards one. Henry VII died, and Henry VIII came to the throne. Through the whole of his reign, though trade was carried on with the West Indies, (which, says the English historian, Bissett, had been "seized" and settled by the Spaniards) no attempt was made by Great Britain to settle in the New World. Henry VIII died and was succeeded by Edward VI; through his short reign no settlement was made upon the North American continent by a single British subject. To Edward succeeded Mary, in 1553, and to Mary in 1558, Elizabeth. In 1583, eighty-six years after the discovery of Cabot, the first British Charter of colonization was signed by the Virgin Queen, to Sir Humphrey Gilbert. Under his authority two expeditions were fitted out to Newfoundland and Cape Breton, both of which ended disastrously. Very soon afterwards a similar patent was granted to Raleigh, to settle the Southern part of North America. Upon his return thence, he reported that he found a beautiful country, which he had called "Virginia." The first colony was afterwards landed in 1607; but their affairs were so badly conducted

that, to avoid famine, they abandoned the country and returned to England again.

Raleigh made a second attempt at settlement, but with no better success. To Elizabeth succeeded James. In the early part of his reign, one Hacklyt published a very interesting volume of voyages and discoveries—an excitement was thereby created, and in consequence, an expedition was fitted out in which Gosnold reached Massachusetts Bay. They thence coasted to the South, landed and traded with the Indians, but made no settlement, and returned to England. King James then divided the discovered land into two portions, one which he called "Virginia," and the other "New England." A London Company with Hacklyt at their head, received a grant of the former, and the Plymouth Company of the latter. Massachusetts was settled in 1620, Connecticut in 1633 or 4, Maryland in 1634, Rhode Island in 1635, Maine in 1635, New Hampshire in 1637, North Carolina in 1663, South Carolina in 1670, and Pennsylvania in 1681.

Notwithstanding these tardy movements of the British in settling the lands bordering on the Atlantic Ocean, that nation pertinaciously insisted upon her exclusive right to the whole territory by virtue of prior discovery; and when the Dutch, who made the *first settlement* of New York, claimed that colony, they were attacked and driven away by the British in 1614. And when they (the Dutch) returned again the next year, resettled and fortified themselves, they were regarded as trespassers. And after the death of James, King Charles the II, in 1664, granted to his brother, the Duke of York, a large tract of country, including New York and New Jersey, and a large force under Colonel Nichols was sent out to put him in possession. They arrived in the harbor, summoned the province to surrender, and upon their refusing to comply the British took *forcible possession* of New York and New Jersey.*

Here we find the English Government insisting upon the *prior right of discovery*, after a delay of settlement of 123 years, against those who had settled in the intermediate time.

So the first settlers of Delaware were the Swedes and Finns. In the year 1027, they made a *permanent settlement* on the banks of the Delaware river, under the auspices of Gustavus Adolphus, the reigning Prince of Denmark. Their title was, however, disputed by both the Dutch and the English. In the year 1655, they were attacked by the former, and the latter having prevailed, the Swedes were obliged to come under the sovereignty of Great Britain.

Having shown how scrupulously Great Britain has insisted upon the right of prior discovery where *her* title was concerned, let us next inquire how far she has regarded this right, when it affected the title of others.

Oregon Territory lies on the northwest coast of North America, between latitudes 42° and 54° 40'. As early as 1543, Bartolome Ferrello, a Spaniard, pushed his discoveries as far North as 43°, and landed at a place since called "Cape Blanco."

In 1592, Juan de Fuca, a Spaniard, discovered a strait in lat. 49° to 51°, which Vancouver, in 1792,

* In 1674, a formal cession of the whole territory was made by Holland to Great Britain.

called the "Straits of Fuca," in honor of the first discoverer. He (De Fuca) staid there twenty days, trading with the natives.

In 1603, Aguilier, in the Spanish employ, discovered the mouth of the river Umpqua, in lat. 44S.

In 1774, Perez and Martinez, under the Spanish flag, discovered a sound, between lat. 49S and 50S, (since called "Nootka Sound,") to which they gave the name of "Port San Lorenzo." This was the first visit that had ever been made to that place by an European. The Spaniards remained there some time, trading with the natives.

In 1775, the Spaniards discovered, in lat. 46°, a promontory, which was called "San Roque," since known as "Cape Disappointment." Also, a bay, in lat. 57S, of which they took possession, and called it "Port Remedios."

Other parts of this coast were discovered by the Spaniards, upon which it is unnecessary, at present, to dwell.

The foregoing formed the title of Spain to Oregon Territory, in right of prior discovery; and it was ample. To this title of Spain, the United States succeeded, by the treaty of 22d February, 1819; recognized and confirmed by the treaty with Mexico, of 12th January, 1828.

We must now take some notice of the proceedings of the British Government, in regard to a part of Oregon Territory.

One of the claims of England to Oregon is based upon the supposition that it was discovered by Francis Drake in 1577, and by him called "New Albion." All the particulars of this pretended discovery will be found in Heylyn's Geography, published in London in 1674, from which it appears that this New Albion lies within the boundaries of California, a part of the main land, on the western coast of North America, which had been discovered by Ferdinand Cortes, in the employ of Spain, in 1534, forty-three years before Drake made his appearance in those seas. The ground upon which this English officer laid claim to the discovery, was an ignorant belief that it was an island, separated entirely from the main land by a part of the Pacific ocean, which he called "Mare Vermiglio." If Drake, instead of going through a ridiculous ceremony, which he exultingly describes, of taking a formal surrender to England of the Indian crown from some ignorant natives, whose language he did not understand, and of sticking up the arms of G. Britain upon a territory which ever had been and ever has been acknowledged to have belonged to the Spaniards, had taken ordinary pains to understand the country, he would have found that his "New Albion" was no island at all—that his northern point of this island was north other than the continental Cape Blanco of the Spanish discoverers, situate in California, and that his new Mare Vermiglio was only the "Gulf of California," which, at its head, in lat. 33°, receives the Colorado, and not a strait of the sea, extending from the Tropic of Cancer to lat. 38°, as he supposed. I have in my possession a map, published in London in 1606, eighty-nine years after this pretended discovery of Sir Francis Drake, wherein all the land on this coast, north of lat. 42°, is marked as "*Terra Borealis incognita*," which map never could have been published in England, at that time, if Sir F. Drake had pre-

viously discovered Oregon Territory. Is it not ridiculous for England to lay claim to Oregon under such a discovery, when they are obliged to admit, from Drake's own confessions, that he knew nothing of the coast beyond lat. 38°, and Oregon Territory commences at 42°?

In the next place, let us examine the discoveries of Capt. Cook, under which Great Britain claims Oregon. In 1776, two years after the Spaniards had discovered Nootka Sound, and after the news of that discovery had actually reached England, Capt. Cooke was sent to discover a northwest passage from the Atlantic to the Pacific oceans. He had positive instructions *not* to lose time in search of *new lands*, nor to stop at any fallen in with, except to wood and water, until he had reached lat. 65°, and not to take possession of any countries already discovered or visited by any European power. He "*ouched*" (says an English historian, Bissett,) at Nootka Sound. He did not, at the time, *pretend* to be the discoverer—he was aware of the prior discovery of Perez and Martinez, and found among the natives articles of European manufacture. This place might never have been again visited by an Englishman, but for an accidental circumstance. Some of Cooke's crew purchased some furs of the natives, which were sold to advantage in China. Captain King, who wrote the history of Cooke's voyage, mentioned this circumstance, and recommended it to his countrymen as a lucrative trade. In consequence, John McPherson, Governor General of India, acting under instructions from the British Cabinet, fitted out two small vessels, and sent a few adventurers to Nootka Sound in 1788. In 1789 about seventy Chinese were transported thither. Meares, who had the command, built a house and fortified it. In 1789, Martinez, a Spanish captain, discovered these intruders, took possession of their building and ship, sent the crews to a Spanish port, took down the English colors and raised the Spanish in their place. From the *English* account of this transaction, as recorded in Bissett's continuation of Hume's History of England, 1 vol. p. 264, the following inferences may fairly be drawn:

1st. That no prior or conflicting discovery to that of the Spaniards, of the Oregon territory, was ever made by Drake or Cook, or any other Englishman: for, 1st, the Spanish nation (says this English historian) claimed *exclusive sovereignty*, navigation, and commerce in those territories, coasts and seas. This claim was made, in London, by the Spanish ambassador, under a full conviction of the right of his nation. The British King, George III, immediately demanded—what? Restoration to him of the invaded territory, his sovereignty, of which had been made indisputable by prior discovery? Not at all. He demanded adequate satisfaction to the *individuals* injured, and for the insult offered the nation through the *subjects*. Now, it is inquired whether, according to the rule of *expressio unius est exclusio alterius*, by the enumerating of these grievances, George III did not admit that there were none others to be redressed, and that, therefore, the British had *no title to the sovereignty of Oregon Territory*!

But, secondly, the King complained to Parliament—and what was the gravamen of that complaint? "The message of the King (says this English historian) stated, the injury, (i. e., the injury before stated, for

had there been any new one it would have been mentioned,) the insult, the satisfaction demanded, and the reply." The King, then, in this formal paper, again admitted that the *British nation had no title to the sovereignty of Oregon*. Then came Mr. Pitt's speech. Now, if the King, in his message, had omitted to state a fact so important as his right of sovereignty, or to refer to an event so striking (had it occurred so recently) as their prior discovery of Nootka Sound, which would have been a conclusive answer to the *exclusive claim* of the Spaniards, now was the time to supply that deficiency, and Mr. Pitt the fittest person for that purpose. But he said that "the British subjects had been forcibly interrupted in a traffic" (not the King, in a right of sovereignty.) He asserted that his countrymen had "a right to trade, (not to the soil,) in places to which no country could claim an exclusive right of commerce and navigation," (not of sovereignty.) Here, then, we find this acute minister admitting, *totis viribus*, that Great Britain had no title to the sovereignty of Oregon; but, admitting the title to the sovereignty thereto to be in Spain, he set up a "right of trade and traffic" in his countrymen.

Mr. Fox followed Mr. Pitt, and agreed with him in these views. Not a member of either house of Parliament made the slightest suggestion to the contrary, and an address, corresponding with the message, passed without a dissenting voice. From these proceedings, it is inferred that the British Parliament confessed that Spain had an *exclusive title* to the sovereignty of Oregon.

A million of pounds sterling were voted to carry into execution warlike preparations to support this trade.

In the mean time, the British minister sent Mr. Fitzherbert to Madrid, to bow at the Spaniards. But still *no claim of title to the sovereignty of Oregon* was asserted, in answer to that of the Spaniards to the *exclusive right* by virtue of their *prior discovery*. The claim of a right to land and build houses for the purposes of trade, at Nootka Sound, a part of Oregon Territory, (unfounded as we shall presently show that to be,) is an acknowledgment of the want of a title to the *sovereignty to the whole*. If they had title to the *sovereignty of the whole territory*, why was it not disclosed, as it would have been a sufficient warrant for occupying a part? No reason can be assigned, except the consciousness that none then existed; and yet England has the effrontery now to assert a title by virtue of a discovery prior to that discussion, in point of time.

So the ground upon which the *right to trade* was made, viz., one which admitted the *exclusive right of sovereignty* in Spain to Oregon, is proof that England, at that period, when the facts were all fresh in men's memories, did not venture upon a claim so unfounded; but which they *now* set forth. But no nation or individual is allowed thus to blow hot and cold, (as it is called,) or to set up contradictory claims. From all which it plainly appears that *Great Britain never had any right to Oregon, by discovery prior to that of Spain, under whom we claim*.

But thirdly, on the 4th of June, 1790, the Spanish government published a declaration or manifesto, directed to all European Courts, setting forth their exclusive right of sovereignty to Oregon territory, founded upon their prior discovery. This ma-

nifesto was never contradicted or denied by Great Britain, either publicly or privately, that has ever been known or heard. Hence, it would follow that, even if England had had a right of sovereignty, by a discovery prior to those of the Spaniards above cited, (which is not admitted,) that it has been absolutely and irretrievably abandoned by them (the British) so far as regards the United States, who are a bona fide purchaser of Oregon. When a claim to anything is publicly made, nature prompts those who have conflicting ones to make them known; hence, *silence* is construed into an abandonment of right, and an acquiescence in the conflicting claim made public; and what is *once* formally abandoned can never be revived, especially to the prejudice of a bona fide purchaser. Had the claims of England and Spain been originally *equal*, the law of nations, in deciding between England and the United States, would prefer the *latter*, who have been guilty of no laches, to the former, who have been guilty of laches. So that, were it admitted that England had made the discovery of Oregon prior to Spain, (which is denied,) yet, inasmuch as Great Britain admitted the prior discovery set forth by Spain in their manifesto, and not denied at the time, the United States, as assignee of Spain, may now claim the sovereignty of that territory by a more perfect title. The principle of the law of nations, upon which this is founded, will not and cannot be denied.

Having thus shown that Great Britain has no title to the *sovereignty of Oregon Territory*, let us examine more particularly *what was* advanced by her in regard to Nootka Sound.

The British Government might have had a right of sovereignty to Nootka Sound, in particular, without having any right of sovereignty to Oregon Territory, in general; but, had that been the case, it would have been distinctly stated, inasmuch as that partial right of sovereignty would have been an answer to the claim of sovereignty to the *whole territory* by Spain; and also, that right of partial sovereignty would have been *greater* than the *right of trade and traffic* which was complained of being invaded, and which would therefore have been merged therein. But Mr. Pitt's complaints are of the "*ships*" having been taken, not the "land." In calling in question Spain's *exclusive claims*, he denies those only which relate to the "*trade*," "claims (says Mr. Pitt) which are totally inconsistent with the *rights of independent navigators* to lands; which, being *before unappropriated*, they should make their own by occupancy and labor."

The "rights" of "independent navigators." Who are "independent navigators?" Neither Mr. Pitt nor his historian has condescended to inform us. Of what are they independent? Of the law of nations? "Independent" (Johnson says) is "not supported by any other"—"not controlled," (South)—"not relating to any superior power," (Bentley). "Independent navigators" must then be those "*gentlemen of the sea*," who roam about the world uncontrolled, holding themselves responsible to no superior power; the same who, Blackstone tells us, are "*Hostis humani generis*;" in vulgar language, "*pirates*." But it seems that these "independent navigators" have "*rights*." Indeed! The law teaches that there is *no right* without a corresponding *duty*; hence those

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who acknowledge no *duties* can claim no *rights*. To enjoy rights and perform duties implies responsibilities, ("dependence") but he who is "independent," (irresponsible,) can know neither the one nor the other. But the "right" of these "independent navigators" is to *lands*? How were they acquired? By prior discovery? No. By cession? No. By conquest? No. The right of these independent navigators was "*to land they could make their own by occupancy and labor.*" "Occupancy is the taking possession of those things which before belonged to nobody." (Blackstone.) But the occupancy of these independent navigators was "the seizing upon what before belonged to somebody." "*Quod nullius est, id ratione naturali occupanti conceditur.*" (says the law of nations;) but it would be impossible so to translate this maxim as to justify the Englishman who trespassed on the soil and right of Englishmen which the Spaniards had gained by their prior discovery of Oregon.

No such subordinate or interlocutory *right of trade and traffic* upon ground to which another has a right of *sovereignty* is known to the law. If the land before belonged to *nobody*, the discovery and taking possession conferred the *right of sovereignty*; but if they previously belonged to *anybody*, the entry upon them to trade or traffic was *tortuous*, and no right, of any kind was thereby acquired.

Nor is the condition of such trespassers at all improved by any *labor* they may perform upon the lands, as Mr. Pitt's language would seem to imply. On the contrary, each new act performed on the soil is a continuation of the trespass; and is by the law referred back to the tortuous entry, so that these English intruders were not only trespassers *ab initio*, but *ad metas*. But perhaps it may be said that Mr. Pitt qualified the rights of these independent navigators to lands therefore *unappropriated*. If so, it becomes necessary to inquire what was meant by "unappropriated."

It not being a legal term, its meaning must be sought for in ordinary dictionaries. To "appropriate" is to "claim," (Milton); "to consign to some use," (Hooker.) Now, the Spaniards *had claimed* Nootka Sound; it was not, therefore, "unappropriated." They had also assigned it to some use, viz., to the use of themselves and their countrymen. If Mr. Pitt meant by it being "unappropriated," that no *settlement* had been made thereon, then the question recurs, whether a title to *sovereignty*, by virtue of prior discovery, can be *lost* by any delay of settlement, short of presumption that the title was abandoned. And upon this question, the conduct of England in regard to the Falkland Islands and the Province of New York, would seem to preclude the necessity of present discussion.

When Mr. Fitzherbert arrived at Madrid, and the Spaniards insisted upon their right to Nootka Sound, as parts of Oregon, which they had first discovered and taken possession of, he reiterated the sophistry of Mr. Pitt. "Whatever is *common*, (said this Ambassador,) belongs to the 'first occupier.'" The Spaniards answered, that was *once* common, ceased to be so, and became *exclusive property* by prior discovery and taking of possession. "Every nation, (said the Ambassador,) has a right to appropriate whatever it can *acquire*, without trespassing upon the *previous appropriations* of others." Ergo, the British had a right to seize upon Nootka Sound,

which had been previously appropriated! This was the *diplomatic logic*! It is marvellous how such a conclusion could ever have been allowed; but the English historian, Bissett, explains it. "This language, (he says,) of *British justice* demanding what *British power* could so easily enforce from any aggressor that *dared* to provoke its vengeance, was (as well it might be) considered haughty and menacing" by the Spaniards. But Great Britain had 158 ships of the line, with which Spain was unable to contend; and France, to whom she applied, was unable to afford her any assistance. Thus the Spaniards were defrauded and robbed of their rights. "And (says the historian) other powers were taught that British subjects (even when acting as trespassers) were not to be molested with impunity."

From all which it is obvious that Great Britain never had any title to the sovereignty of Oregon by right of prior discovery. That she never had any by cession from the Spaniards will be equally apparent to any unprejudiced person who will examine the subject. All that she *demanded* of Spain was "*a right of traffic and trade*;" and that she *obtained* no more, is proved not only by the words of the cession itself, (which appears to have been very carefully drawn, with the view of excluding therefrom all subsequent inference that a right of sovereignty was therein contained,) but also, from the acknowledgment of Mr. Fox, in the British Parliament, when this Treaty of Cession was under consideration, that *nothing had been acquired*, and the congratulatory vote of the House of Commons, that "*an adequate reparation* had been provided for the *violence* which was committed at Nootka, and the security to his Majesty's subjects of the *exercise* of their *navigation, commerce and fisheries*, in those parts of the world, *which were the subjects of discussion.*"

But, fourthly. The United States has a title to Oregon Territory by virtue of *her own* discoveries and settlement.

It is a well known principle of the Law of Nations, in regard to discovery, that the nation who discovers the mouth of a river is entitled to the sovereignty to all the land which is watered by such river, its tributaries and head waters.

In 1683, Mr. De La Salle, a Frenchman, navigated the Mississippi river from Canada to its mouth. In virtue whereof, France claimed the sovereignty to Louisiana, on both sides of the river, from the Gulf of Mexico to the 49th of latitude. And this title of France was acknowledged by Great Britain, in the Treaty of Utrecht, of 1713, and of Versailles, in 1763.

In 1792, Captain Gray, of the American ship "Columbia," discovered the Columbia river, which he named after his ship. He landed, held an intercourse with the natives, who had never before seen a white man or a ship.

In 1804, Lewis and Clarke, in the employ of the United States, ascended the Missouri, passed the Rocky Mountains—up to that time unexplored by a white man—discovered and explored the head waters of the Columbia River—and followed that River down to its mouth; where they passed the winter of 1805-6.

In 1808, the American Missouri Fur Company esta-

lished several trading posts, one on the River Lewis, a branch of the Columbia.

In 1811, Astoria was founded, at the mouth of the Columbia River, by Mr. John Jacob Astor, of New York.

In December, 1813, Astoria was captured by the British sloop-of-war, *Raccoon*, Captain Blake.

By the Treaty of Ghent, it was agreed that all Territories, &c., taken by either party from the other, during the war, should be restored without delay.

Astoria was restored the 6th of October, 1815.

By virtue of the above mentioned discovery, settlement and restoration, the United States, without the aid of any other titles, have a right to the sovereignty and soil of Oregon Territory.

Great Britain pretends to say that Alexander McKinsey, one of their subjects, discovered a north branch of the Columbia River prior to our discoveries; but McKinsey himself has said that his discovery was in May, 1793, whereas that of Captain Gray was in 1792; and if any impartial person will read McKinsey's account, he will be convinced that the river he saw was not a head water of the Columbia. [See Report of Committee on Military Affairs, made to 27th Congress, the third session, No. 31, p. 17.] They also contend that Mr. Thompson, Astronomer, of the Northwest Fur Company, established posts among the Flatheads and Kootanie Tribes of Indians, on the head waters or main branch of the Columbia, in the same and subsequent years, as the discovery of Lewis and Clarke. But when the evidence upon this point is examined, it turns out that Lewis and Clarke reached the Pacific Ocean, after exploring the Columbia River, on the 15th November, 1804, and that the earliest post established by Mr. Thompson was in the spring of 1806. Great Britain, well knowing that she had no title to the sovereignty of Oregon, proposed to the United States to divide the Territory between them, making the Columbia River the boundary; they (the British) taking the country north and west of that line, and leaving the Americans the other side. To this proposition our Ministers dissented. The true MOTHER never consents to divide the CHILD!

PART II.

Having in a former essay shown that the title to the sovereignty of Oregon is in the United States, I proceed to examine the two remaining questions, viz: What are its capacities and value to our country? And the necessity of an immediate settlement of it from the States.

Oregon Territory holds out to the American citizen every inducement to settle. The valleys of the Columbia river and its tributaries alone are estimated at 350 square miles. The soil is fruitful, the climate moderate, and the mountains by which they are bounded on the east are filled with mineral wealth. The mouth of the Columbia river is the finest site in the known world for a commercial city. It is within ten days' sail and within six days' steamboat navigation of the Sandwich Islands, and within thirty days, over an untroubled ocean, of Canton. In the hands of a free and enterprising people there is scarcely any limit to the opulence of such a city. To the United States it would be a most invaluable emporium. It

would insure a steady market for our increasing manufactures; it would open an unbounded mart for our agricultural productions; and it would secure to us the fur trade of the West, of which we have been so long, surreptitiously, deprived by the corporated agent of a rival nation; and the lumber trade, which would of itself be sufficient to pay all the expenses of transit and settlement, and by enabling us, through that direct route, to exchange the boundless produce of the lead mines of Missouri for the teas and silks of China, instead of transporting them to the Atlantic States, and thence to the East Indies, we would not only supply ourselves, but all the rest of the world, with these valuable commodities. Great Britain, as long ago as 1789, valued the "trade and traffic" of Nootka Sound so highly, that her Parliament voted a million of pounds sterling to secure them; and we are told in Astoria, (page 230, 2d vol.) that the goods taken on board an American vessel at New York, which cost there only \$25,000, were exchanged on this Northwest coast for furs, for which the captain was offered, in Canton, \$150,000; and that, had he accepted this offer, and laid out the amount in Chinese goods, they would have brought, in New York, \$300,000.

The editor of a respectable English periodical, whose work is eagerly sought after and extensively read in this country, (Edinburgh Review,) pronounces all attempts to settle Oregon from the Atlantic States to be impossible. "However the political question between England and America, as to the ownership of Oregon may be decided, (says this editor,) Oregon never can be colonized over land from the Eastern States." Now if this is the case, it is worse than useless to make the present proposition, which, by holding out false inducements to accomplish ends beyond our reach, would unnecessarily disturb the public tranquillity. But is it the case? Or is this writer, who no doubt acts under the direction of the British Cabinet, endeavoring to blind us, and withdraw our attention from a lucrative trade, that his own countrymen may, in the mean time, reap the golden advantages? He remarks:—"In the mean time, the long line of coast (of Oregon) invites emigration from the overpeopled shores of the old world (England.) When once the Isthmus of Darien is rendered traversable (he proceeds) the voyage will be easier and shorter than that to Australia, which 30,000 of our countrymen have made in a single year. Let us not then (he concludes) under the idle persuasion that we have colonies enough; that it is mere labor in vain to scatter the seed of future nations over the earth; that it is but trouble and expense to govern them. If there is any one thing on which the maintenance of that perilous greatness to which we have attained depends more than all the rest, it is colonization, the opening of new markets, the creation of new customers. It is quite true that the great fields of emigration in Canada and Australia promise room enough for more than we can send. But the worst and commonest error respecting colonization is to regard it merely as that which it can never be—a mode of checking the increase of our people. What we want is not to draw off dribbles from our teeming multitudes, but to found new nations of commercial allies. And in this view every new colony founded, far from diverting strength from the older ones, infuses into them additional vigor. To them, as well as to the mother

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country, it opens a new market. It forms a new link in the chain along which our commercial intercommunication is carried, touching and benefiting every point of the line as it passes. Thus in former days, the prosperity of the West India Islands was the great stimulus to the peopling of North America. The newer colony of Canada has flourished through its connection with our settlements in the States; the market of New Zealand will excite production in Australia. THE UTMOST PORTIONS OF THE EARTH ARE OUR INHERITANCE; let us not throw it away in mere supineness, or in deference to the wise conclusions of those sages of the discouraging school, who, had they been listened to, would have checked, one by one, all the enterprises which have changed the face of the world in the last thirty years."

Now it is respectfully submitted, that upon reading this opinion of this English editor, who (as I presume) is only promulgating the opinions of the British Ministers, it is difficult to suppress a suspicion that the assertion that "Oregon can never be settled from the Atlantic States," was intended to add another to the many delays we have suffered, the better to enable that rival nation to seize upon and secure the prize. But as the settlement is a circumstance of the utmost importance, let us suppress this suspicion, and examine coolly and deliberately the reasons he gives for having come to this conclusion.

First—the distance.

The traveller from the Mississippi to the Pacific has (says this Editor) to pass over several distinct regions—1st, a region of two or three hundred miles in length, occupied by the States of Missouri, Arkansas and Iowa. 2d, A region of two or three hundred miles, inhabited by the Choctaws, the Cherokees and the Creeks. 3d, A desert of six or seven hundred miles, of which 400 is Prairie land, and 300 directly east of the Rocky Mountains is strictly a desert. 4th, The Rocky Mountains, (no distance given,) and 5th, From the Rocky Mountains over a desert country to the mouth of the Columbia river, (no distance given.) But this distance, which, to the mind of this *Islander*, appears to be *interminable*, will form no obstacle in the way of the hardy, migratory sons of the Columbian Continent, especially as we live in an age of steamboats and railroads, by the introduction of which distance is nearly *annihilated*. Lewis and Clarke crossed the Rocky Mountains in about lat. 47°, by a very circuitous route. By the one taken by Mr. Townsend, of this city, and his party, in about lat. 43°, the whole distance does not appear to be more than from 1800 to 2000 miles; and even *this* will, no doubt, be diminished by succeeding travellers.

The second obstacle in the way of settling Oregon from the States (in the opinion of this English editor and his employers, the British ministers) arises out of the difficulties of transit; these he considers under three distinct heads, and they shall be examined in the same order. 1st. The difficulties presented by the face of the country. He admits that in regard of the first two or three hundred miles, that through Missouri, Arkansas or Iowa, that the country is made up of Prairie and Forest lands, with a larger proportion of the former than the latter, and that it presents nothing of an extraordinary character which is calculated to impede travelling.

As to the second region, of two or three hundred

miles, being that occupied by the friendly Indians, it is also admitted that it consists of wide plains, diversified with ranges of hills, and that it is easy of transit. In regard to the soil, Mr. Farnham remarks, that it is a deep alluvial, capable of producing the most abundant crops of the grains and vegetables that grow in such latitudes.

Then comes the third region, the desert, the first 400 miles of which is prairie. This region, except a few spots on the borders of rivers, is declared to be *incapable forever* of any fixed settlement. Let us compare this opinion with his description. "Seen during the Spring and Summer, it is (he says) a delightful land—a land of grass and flowers—with a bright sky and an elastic air, diversified with little patches of wood, picturesquely, here and there (every where) to relieve the eye from the monotony of the plains—traversed by four splendid rivers, the Red, the Arkansas, the Platte and the Missouri." What a description of a desert! Of a desert *incapable forever* of fixed settlement! Many a poor inhabitant of Europe would be thankful to be transplanted to such a desert! But strange to relate, this pseudo-uninhabitable region is, according to his own confession, already partially inhabited. "Here and there (he says) around the posts established by trading companies on the banks of rivers, a few fields have been cultivated, and hamlets (small villages) have been formed by enterprising Americans, who find abundant custom for their productions from various parties which roam over the wilderness." Nor does it require the power of prophecy for us to predict that as soon as the United States shall have fixed military posts at proper distances, than the whole route will be settled in like manner by the same people.

Advancing still further, you come to the desert, properly so called, of which he has drawn up a highly wrought, and, in some respects, inaccurate description; but even this inhospitable region, he admits, is not without its redeeming features—*fruitful ridges* and *scattered spots of fertility*. I cannot withstand the temptation to read to you Mr. Farnham's description of some of these places on both sides of the Rocky Mountains, that you may judge how far the assertion is gratuitous, that the desert can never become a place of fixed settlement.

Old Park lies in the valley of Grand river, which is a branch of the Colorado of the West. It is here (says Farnham) a transparent stream, 300 yards wide, 6 to 10 feet deep, and a current of 6 miles an hour. The valleys contain extensive meadows and woodlands, filled with antelopes, deer, hares, grouse, wild turkeys, geese and ducks.—page 51.

Tumbleton Park, near the Three Buttes, and also in the valley of Grand river, "is a beautiful savannah, with groves of pine, spruce, fir and oak."

The glades were splendid—many were, when he passed, covered with a heavy growth of timothy or herd grass and red top in blossom. The mountain flax covered acres as densely as it usually stands in cultivated fields. The tame grasses of Europe, all that are valuable for stock, the best and most sought after by every intelligent farmer in Christendom, are there indigenous.—p. 56.

At Fort David Crockett, in the valley of Green

river, rich mountain grasses *grow wild all winter*.—p. 59.

The vicinity of Great Bear river will, (he says,) in the course of time, become one of the most prosperous abodes of cultivated life.—p. 70 The Soda Springs, from the healthiness and beauty of the locality and the magnificence of the scenery, will hereafter be thronged with the gay and fashionable of both sides of the Continent.—p. 71.

The passage of the Rocky Mountains, our English editor, to please his ministerial employers, represents as a Herculean task; but in this also he is mistaken.

Mr. Farnham says that loaded wagons can pass them even where he did without serious interruption. He saw at Fort Bossai, on a river of the same name, which is a branch of the Sapin, the remains of a one-horse Yankee wagon, brought thither by some missionaries from the State of Connecticut; and he adds, "that fortunately for the next of our countrymen who shall attempt to cross the continent, a *safe and easy passage has lately been discovered by which vehicles of the kind may be drawn* through to the Wallawalla." The new route alluded to is, it is presumed, the one taken by Mr. Townsend and his party in 1831.

On the 9th of June, (he tells us,) they encamped at "Independence Rock," on the Banks of the Sweet Water, which is one of the head waters of the north fork of the Platte. They were consequently on the *eastern side* of the Rocky Mountains. They passed through the "Great Gap," at a place generally called the "Bull Pen," having on their right hand the Wind river cluster of the Rocky Mountains, the highest land in North America, and on their left hand, Long's range of the same mountains.

On the 12th, they advanced over the plains of the Sweet Water. lat. 43 degrees, 6, long. 110 degrees, 30.

On the 14th, they left the Sweet Water and proceeded southerly to Sandy River, which is a branch of the Colorado of the West, thus having in five days passed the main ridge of the Rocky Mountains with comparative ease!

They proceeded down Sandy River to Green River, the Sheetskadee of other travellers, and a branch of the Colorado of the West, into which Sandy River empties, thence to Hum's fork of the Green River, thence to Muddy Creek, a branch of Bear river, which empties into the salt lake, or Lake Bonneville, thence to Bear River, which they struck only one hundred miles from the place where it enters the lake, thence to White Clay Pits on Bear River, crossed over to Blackfoot River at the Three Buttes, thence to Ross' Creek, a small branch of Lewis' River, also called Snake River and Sapin River, thence to Lewis' River, and down Lewis' River to the Columbia.

It is much to be regretted that there is no good map of these regions.

But the last and most formidable obstacle of all, to the settlement of Oregon from the States, this editor and his ministerial friends tell us, are the *Cumanches*, a numerous and ferocious tribe of Indians, who (he says) are the best riders and the best shots in the world. These, more formidable than the Bedouins, (he says) hover over the wilderness like birds of prey, ready to pounce upon the unwary traveller. But this Indian story will produce no effect upon the Americans, who will smile at the idea of being intimidated by a handful of Cumanches!

They number but ten thousand, men, women and children,—their home is the neighborhood of Texas,—they come North only to hunt the buffalo; and as the buffalo retires before the footsteps of civilization, so will the Cumanches; leaving behind them, (like Gog and Magog, to whom they have been likened,) nothing but an empty name.

A much more formidable impediment to the settlement of Oregon by Americans, is presented by the HUDSON BAY COMPANY. But *this* is an obstacle which *must be met and overcome*, and the *sooner* it is met and overcome the *better!* The Hudson Bay Company is a formidable *foreign corporation*, consisting entirely of *British subjects*, and acting solely under *British ministerial* protection and influence, within the bounds of *American Territory!*" The Hudson Bay Company (says the Editor we have so often quoted) is, *in all its instincts and habits, thoroughly British and anti-American!*" and for once he has told the truth. The Hudson Bay Company's shares of stock were originally £100—but by engrossing a trade which belongs exclusively to us, they have advanced one hundred per cent! The Hudson Bay Company pay an interest on their shares of ten per cent., besides laying up a reserve fund for the express and avowed purpose of *keeping Americans out of the trade!*

The Hudson Bay Company have again and again used this reserved fund to persecute Americans, who dared to deal in furs in our own Territory!

The Hudson Bay Company, while the British ministers have been holding out the illusion that the dispute about Oregon shall be soon amicably settled, have erected and fortified nineteen forts within our Territory! They have taken illegal possession of almost every eligible spot in Oregon as regards water power, or that is a good site for a manufactory; and they have selected the finest sites for farms!

The Hudson Bay Company are cutting the best timber off our lands, and selling it to enrich themselves!

The British Parliament have passed an act, authorizing the Hudson Bay Company to arrest and send to Canada any American citizen who may come within their (the Hudson Bay Company's) displeasure.

By this daring outrage upon our sovereignty, any American can be arrested and sent out of our own Territory, to be tried on *British ground* by *British judges and British laws!*

The Hudson Bay Company have power, by British laws, to give judgment against any American citizen in Oregon, and issue an execution, under cover of which he may be either confined in their forts, or sent to the jails of Canada, at their pleasure!

The Hudson Bay Company, through long license, have become so overbearing that they actually obliged a respectable American to wear skins for several years, for having incurred their displeasure!

The Hudson Bay Company send, annually, large parties to trap the Beaver upon land adjacent to Oregon, belonging to the United States, and to which England has never laid claim!

The Hudson Bay Company's agents commit depredations upon the Indians living within the acknowledged limits of the United States, actually murdering hundreds of them every year!

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British Parliament, are actually selling lands in Oregon Territory to all those who are willing to take their title.

What is to be done? Congress has been petitioned by the American settlers in Oregon, to take them under their protection; but their prayers are unanswered.

But hark! a sound, like the meeting of many waters, rises in the West!—and now it seems to roll, as a great wave, from the Alleghenies even to the Rocky Mountains!—and then it is echoed back again to the shores of the Atlantic! It is the mighty voice of an injured and indignant people, who have been long slumbering, but are roused, and are determined to do themselves justice!

From the very nature of the discoveries and settlements of the French and the English in Canada, to precise limits were, at first, fixed to their respective possessions. At the peace of Aix la Chapelle, these boundaries were yet left unsettled. Both nations wished to engross the fur trade. England claimed to navigate the Mississippi; while France endeavored to surround the British possessions, from that river to the lakes, with a border of forts. Both tations were anxious to win over to their side the Indians. Negotiations were resorted to, but difficulties constantly occurred, which created delays. When, suddenly, Great Britain, without a declaration of war, or giving notice of any kind of their hostile intentions, sent a fleet to Canada and captured two French ships of the line; by a simultaneous movement, all the French merchant vessels, sailing either to or from the West Indies or North America, amounting to more than three hundred, were captured, and taken to English ports, and the French seamen thus obtained were even compelled to enter the British service! Having thus obtained a signal advantage, by making war, before it was declared, upon the unsuspecting Frenchmen, they pushed forward this advantage with great vigor, until they compelled Quebec to surrender to their arms.

An English historian, after narrating these facts, expresses a well-grounded fear that posterity may look upon them as unwarrantable aggressions. "But (he says) it is as evident a principle as any in jurisprudence that injuries attempted may be prevented, and that therefore war to hinder an attack is as lawful as war to repel or punish an injury." "Policy, therefore, coincided with justice (!) in dictating an attack upon the French ships!" &c., &c.

Here is an English lesson of "policy" and "justice" that, it is to be hoped, will not be lost upon the American people. If there was the shadow of justice to authorize England, in an interval of profound peace between her and France, and while negotiations were actually on foot, in making this sudden and unlooked for attack, in capturing their ships, armed and unarmed, and in making slaves (not prisoners) of their seamen, merely to prevent a rival colony from out-doing them in acts of daily occurrence with both nations, a *multo fortiori*, will we be justified in peacefully taking possession of our own territory and ousting unjust intruders?

The original entry of the Hudson Bay Company upon our territory was unlawful—their remaining there is unlawful—he who ought to know them says that "they are in all their instincts and habits thor-

oughly British and Anti-American;" wherefore, we owe them no courtesy. That this Company acts under the orders of the present British Ministers, is also certain. It has ever been the policy of that artful government, when they had any dangerous or disagreeable manoeuvre to perform, to employ agents. This method insures to them the advantage of adopting their acts if successful, or abandoning them if necessity requires. If Spain had been able to enforce redress for the outrages committed upon their possessions in the new world by Drake, he would have been punished instead of being knighted. Many of the barbarous murders committed during our war of the revolution were laid upon their "Indian allies;" and now, through the instrumentality of the Hudson Bay Company, they are depriving our citizens of all participation in the fur trade of our own country. "Since 1821, (says the English editor before quoted) they (the Hudson Bay Company) have had no British rival, and they have exerted all their policy (arts) to repress interference on the part of the Americans, and in this they seem to have thoroughly succeeded." To enable them to effect this grand object, the British ministers delay, from time to time, the settlement of the pretended question of their right of sovereignty. At the period of the Treaty of Ghent it was put off for ten years, with a stipulation that our citizens should, in the mean time, enjoy an equal right of trade. By the treaty of 1827, it was indefinitely postponed, under the same condition. In the last treaty the subject is entirely and unaccountably lost sight of; and now, while our Cabinet are amused with the allegation that it is "debateable ground," the Hudson Bay Company will not allow an American to purchase a single skin, and we are threatened with England sending 30,000 men there, to overrun our soil. If Congress do not and will not interfere, will "the Lion of the West" submit tamely to this foreign imposition? Will not the people of the United States, generally, resent the affront put upon us, as an independent nation?

By the passage of an Act of Parliament, authorizing the seizure of Americans, within our own territory, to be dragged to foreign places, to be incarcerated in foreign prisons, and to be tried before foreign judges by foreign laws, England has broken all conditions upon which mutual tenure of Oregon with mutual rights was held; and the threat of sending 30,000 men to possess the country will justify us, in the eyes of all Christendom, in taking immediate steps to settle our own territory, the first of which will be the ejecting of foreign intruders.

PART III.

Containing a Review of the Letter of a distinguished Member of the British Parliament, published in the London Morning Chronicle of the 24th day of April, 1843.

In the London Morning Chronicle, of the 24th day of last April, is a letter, said to have been written by a distinguished member of the British Parliament, upon the Oregon question. As it is to be presumed, from this gentleman's public situation, and the position he assumes of instructor of his countrymen, that he is conversant with the strongest grounds of the English claim to Oregon, and as he appears, from his

letter, to have placed those grounds in their strongest points of view, it is thought proper to give to his letter a fair and candid examination and answer.

This M. P. commences by stating that the claim of America to the territory in question assumes a duplex form. That she claims by *pre-occupation* and also by *cession*. Here is an error at the very threshold. The United States claims the whole of Oregon Territory by *cession* from the Spaniards, who were the first discoverers thereof; and she claims all the land watered by the Columbia River, its tributaries and head waters, under a well known principle of the law of nations, that "the nation who discovers the mouth of a river is entitled to all the land that is watered by that river, its tributaries and head waters."

"The United States (says this M. P.) occupied the territory in 1805, and upon *such* occupation claim an exclusive right, at all events as against England, to the whole country."

Now, if this M. P. will allow the United States to speak for themselves, he will find that they claim the whole territory by virtue of the grant from Spain, whose right of prior discovery of the same they (the United States) are ready to prove, as also that it had been acknowledged by Great Britain prior to the cession of Spain. And in answer to the claims of England to the discovery thereof, the United States allege that, in 1792, Captain Gray, of the American ship *Columbia*, first discovered the Columbia River, which he named after his ship. That he landed, held an interview with the natives, who had never before seen a white man or a ship. That, in 1804, Lewis and Clarke, in the employ of the United States, ascended the Missouri, passed the Rocky Mountains—up to that time unexplored by a white man—discovered and explored the head waters of the Columbia River, and followed that river down to its mouth, where they passed the winter of 1805-6. That, in 1808, the American Missouri Fur Company established several trading posts on the River Lewis, a branch of the Columbia. That, in 1811, Astoria was founded, at the mouth of the Columbia River, by John Jacob Astor, of New York. That in December, 1813, Astoria was captured by the British sloop-of-war *Raccoon*, Captain Blake. That, by the Treaty of Ghent, it was agreed that all territories, &c., taken by either party from the other, during the war, should be restored without delay. And that Astoria was restored to the United States by Great Britain in 1818. Now, the United States say that by virtue of the above discovery, (which was prior in point of time to any that England can show), by the settlement within a reasonable time under all the circumstances of the case, and by the restoration, they have, independently of all other considerations, a full and perfect title to all the land watered by the Columbia River, its tributaries and head waters.

It will hence be apparent that the M. P., in his statement of the American title, has omitted many of its important features. It appears strange to us, on this side of the water, how a M. P. should be ignorant of the fact that the United States dates her discovery of the Columbia River as far back as 1792, as above stated; and not in 1805, as he (the M. P.) has stated, seeing that whenever the United States have made known their claim to be the first discoverers of

the Columbia River, the discoveries of Captain Gray and of Lewis and Clarke have been simultaneously promulgated; and it is equally strange how a person so well informed, as a M. P. ought to be, should not know that his own countryman, Vancouver, an officer in the British Navy, admitted that Captain Gray had discovered the mouth of the Columbia, and had informed him (Vancouver) of the existence of that river, of which he had no previous knowledge. "After leaving Nootka Sound, (says this English navigator,) the serenity of the weather encouraged him to hope that he might be enabled, on his way south, to re-examine the coast of New Albion, and particularly a river and harbor discovered by Mr. Gray, in the *Columbia*, between the forty-sixth and forty-seventh degrees of north latitude."

But, perhaps, it was not politic for the M. P. to speak of this discovery of the mouth of the Columbia, by an American citizen, so early as 1792, as, in that case, no answer could have been given to the right of the United States to claim the sovereignty of all the land watered by that river, its tributaries and head waters, according to the law of nations.

Having thus set the M. P. straight in regard to the brief of title of the United States, let us see what further he has to say upon this subject.

"But pre-occupation, under all circumstances, does not impart a title." "In order that it shall have this effect, it is absolutely necessary that no other *substantial* claim should exist." This rule is admitted, provided by the terms "substantial claim" is meant (as it is presumed) "title." And it is earnestly requested that this rule may be borne in mind, as it is intended, hereafter, to use it in our favor.

But, while the rule, as above explained, is cheerfully admitted, it is different with the inferences which the M. P. has drawn therefrom, provided his course of reasoning has been rightly understood.

It will be observed that, in what follows, the M. P. no longer uses the terms "substantial claim," which are above considered as synonymous to "title," but in all the rest of the passage he uses the word "claim" only. If, by so doing, this writer meant that the United States were precluded from discovering, taking possession of and settling Oregon, because England had already *claimed* the territory, without regard to the *title* of England thereto, it is denied that there is any principle of the law of nations which recognizes such a position. The notion is so absurd and dangerous that no nation in Christendom would be willing to submit to its introduction. Suppose, for instance, Great Britain (who, through one of their most popular writers, has recently declared that "the whole earth is her inheritance"—Edinburg Review,) should publish a manifesto declaring that they "claimed" all the islands in the Western Ocean, would that claim prevent other nations from making subsequent discoveries of, and appropriating to themselves any island in that region which was before such discovery unknown?

If, on the contrary, by the above passage it was intended by the word "claim" to mean "substantial claim," ("title,") then the United States are not obliged to enter the lists with England under the disadvantages obscurely pointed out by the M. P., but have a right to put her title to Oregon before the tribunal of the world, upon the same square and level

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as her proud adversary; and this is all that this Republic have ever demanded or will ever demand.

"England (says this M. P.) has for centuries claimed Oregon, by the same tenure now set forth." Now here the learned M. P. has fallen into a very great error. In 1790, which is not one century ago, a dispute arose between Spain and Great Britain in regard to a right of trade and traffic at "Port San Lorenzo," better known by the name of "Nootka Sound," which is a part of Oregon Territory; Nootka lying between forty-ninth and fiftieth degrees of north latitude and Oregon Territory extending from forty-second degree to fifty-fourth degree forty minutes. In this dispute Spain claimed exclusive right to the whole of Oregon, by virtue of her prior discoveries; and England, admitting that the right of sovereignty to the whole territory was in Spain, set up (as before stated) a mere right of trade and traffic. This claim was, in itself, unfounded, but such subordinate and interlocutory right was entirely inconsistent with the claim which she (England) now advances to the whole territory. [See my first lecture.] Whence it is evident that Great Britain has not for centuries claimed title to Oregon, but, on the contrary, that within little more than half a century she has admitted that she had no such title.

But what is this claim to Oregon which (as this M. P. says) England has made for centuries?

"It has long existed as a historical fact (says the M. P.) that the very territory in question was discovered by Sir Francis Drake, about the year 1576, who landed upon several points of the coast, taking formal possession of the same in the name of Queen Elizabeth. In some old Spanish maps the territory is designated 'New Albion,' with a short note expressive of Drake's priority of discovery; and according to these charts New Albion extended several degrees to the southward of the present northern Mexican line. Thus, then, we find actual possession taken by England of this very coast before the United States had even a colonial existence."

To the pages of history which relate to this voyage of Drake, I also cheerfully appeal. [The reader is requested to place the map of North and South America before him, and see Mavor's Voyages, 2d vol., p. 7 to 45.] In 1577, (not 1576,) the 15th November, Drake left Plymouth. On the 27th January, 1578, he was at the "Mayo," one of the Cape Verde Islands. On the 6th of September, 1578, he passed the Straights of Magellan and entered the South Sea, and a few days afterwards saw (he says) for the first time the conflux of the Western and Southern Oceans. He directed his course for thirty degrees south latitude; found no convenient harbor; advanced to Mucuo; thence to St. Philip's Bay; thence to Valparaiso, in latitude thirty-three degrees three minutes south, where he captured a ship belonging to Spain, (with which nation England was at peace;) thence to Coquimbo, in latitude thirty degrees south; thence to Sarcipaxa, where he robbed a Spaniard, asleep, of four thousand ducats' worth of silver; and, on the 7th of February, 1579, he arrived at Arica, in south latitude eighteen degrees twenty-six minutes, where he robbed three small Spanish vessels of fifty-seven ingots of silver. He then set sail for Chili, in search of plunder, but news of his being on the coast having been transmitted, overland, (as Drake learned from a

captured Indian,) he sailed for and arrived at Lima, where a number of Spanish vessels, richly laden, were robbed. Here he learned that a rich Spanish ship had sailed, three days before, for Paíta, which lies in south latitude five degrees five minutes; he resolved to pursue her; but, finding that she had actually proceeded to Panama, which lies in north latitude 9 deg. 0 min. 30 sec., he altered his course. On the 1st of March, 1579, he came up to this vessel, and captured her. He now shaped his course towards the west; put into a small island (the name of which is not mentioned) to refit. On the 20th of March, they put to sea again, and, on the 13th of April, arrived at Port Anguatulco—[he committed several piracies on this route]—where he landed and plundered the town. Drake's crew, now sated with plunder, were anxious to return to England; but he expatiated upon the honor of finding a northwest passage. His authority prevailing, they sailed into a port in the Isle of Canes, where they took in wood and water. They thence proceeded in quest of the northwest passage; but after sailing to latitude forty-three degrees north, without seeing any land, they relinquished their purpose and altered their course. Drake now determined to visit the Moluccas, in the East Indian Sea, and thence return to England, by the Cape of Good Hope. On the 17th of June, 1579, he anchored in a commodious harbor in no. th latitude 38 deg. 30 min., (which upon the small map which accompanies this letter is marked "Po. St. Francis Dr.") This land our hero mistook for an island, and supposing himself to be the first discoverer, he took possession, and called it "NEW ALBION." And this is the discovery under which (this M. P. says) England now claims Oregon Territory, which lies between north latitude forty-two degrees and fifty-one degrees forty minutes, and which Drake never saw.

On the 23d of July, Drake left these shores, proceeded to the Moluccas, and thence, by the Cape of Good Hope, home to England.

I have followed Drake thus minutely that every one may judge for himself how ridiculous it is for this M. P. to rely upon the pretended discovery of New Albion, by Sir Francis Drake, for giving title to England to Oregon.

In a geographical work by Peter Heylin, published L. London in 1574, page 105, this "island" of Nova Albion, in latitude thirty-eight degrees, is said to have been discovered by Sir Francis Drake, in his circumnavigation of the world, anno 1577, and by him named "Nova Albion," in honor of England, his own country, which was once called "Albion." In page 104, "Nova Albion" is stated to be parted from the main by a sea called "Mer Vermiglio," which, it is said, is entirely surrounded by the ocean and extends from Cape Blanco to Cape St. Lucas. The Gulf of California, misnamed Mer Vermiglia, which separates the peninsula of Old California (not the Island of Nova Albion) from the main land of Mexico, is about seven hundred miles long, varying in breadth from sixty to one hundred and twenty miles; at its northern extremity it receives the Colorado and the Gila Rivers. On the map of North and South America, which will be found between pages 82 and 83, this supposed Island of New Albion and "Sea of Vermiglio" are laid down, and all the land in North-western America beyond forty-two degrees is marked

as "TERRA BOREALIS INCOGNITA." To California the title of Spain never has been disputed by England or any other nation or individual. (It was discovered by Cortez in 1535.) Even our M. P. has admitted it. "But Spain had never the shadow of a claim, at all events recognized by England, to an acre of soil BEYOND the PRESENT ACKNOWLEDGED NORTHERN LIMITS OF MEXICO, beyond the parallel of forty-two degrees" and within this acknowledged limit of California, this pretended "New Albion" is said to be.

What becomes of the boasted discovery of Oregon Territory by Sir Francis, upon which this M. P. so confidently relies for the title of Great Britain, when it has been shewn, not only that Oregon was not included within the only piece of ground of which Sir Francis erroneously claimed to be the discoverer, but that his countryman, his historian, and the herald of his fame, has acknowledged that in 1674, nearly one hundred years after Drake's return home, the region now known as Oregon, was utterly unknown in England?

England, it is presumed, will never again display the discoveries of Sir Francis Drake in connection with the title to this territory.

But, to return to our M. P. He proceeds to say that the title of England to Oregon is founded upon those acknowledged principles upon which she held her former colonies on the Atlantic side of North America, and that the United States, having by the treaty of peace of 1783, taken a transfer of the English title to the colonies, are forever precluded from disputing the title of Great Britain to Oregon.

Now, leave is taken to deny both these premises and the conclusion. The title under which Great Britain held her former Atlantic colonies in North America was founded upon the prior discoveries of Giovanni Gabato, in the employ of Henry VII, in 1497, and her actual settlements made of them from 1620 to 1681. But she can show no discovery of Oregon prior to those of Spain, under whom we claim, or to those made of the Columbia River by the United States. The title of England, therefore, to Oregon does not depend upon the same principles as the title to her former Atlantic colonies; and the premises of our M. P. fall to the ground. But even if England had an *imperfect* title to her former Atlantic colonies and the United States accepted that title, *quantum valebat*, how could this acceptance affect, one way or the other, the title to Oregon? The United States were in possession of the soil, and were the owners, *de facto*; England claimed to have the title to the sovereignty, *de jure*; where then was the impropriety of accepting such an instrument, which might act, at least, as a release.

The next ground upon which the M. P. places the title of England to the sovereignty of Oregon is what he calls the general principles, which at the time of the western discovery and settlement were universally admitted to regulate the practice of the European powers in America. "In appropriating to themselves (says the M. P.) the newly discovered continent, there was one common rule which they were *TACITLY* and *MUTUALLY* PLEDGED to observe." "It was regarded from the very first as a fixed principle—that possession of the Atlantic coast conferred upon the

possessor the right to the inland country—*stretching indefinitely westward.*"

That there never was any such "principle," or "common rule," to which the European powers who discovered and settled America were either *tacitly* or expressly pledged, will now be proven.

In 1683, M. De la Salle, a Frenchman, navigated the Mississippi River from Canada to its mouth; in virtue whereof France claimed the sovereignty of Louisiana, on both sides of the river, from the Gulf of Mexico, in north latitude about 29 deg., to the head waters, in 49th deg. of latitude. Now, this region of country lies westward of the British Atlantic colonies in North America, which, as before shown, had been previously discovered and settled from Georgia, in 31 deg., to Maine, in 48 deg. If, therefore, England, by this discovery and settlement of the Atlantic coast, had conferred upon themselves "the inland country, *stretching indefinitely westward,*" they were entitled to Louisiana, which lay between these latitudes, on the "stretch" towards the west. But this title of France was acknowledged by Great Britain in the Treaty of Utrecht, in 1713, and of Versailles, in 1763. And if this rule of stretching indefinitely to the westward was the "principle," or "common rule," why did not England, by virtue thereof, claim all the rest of the Spanish possessions on the North American Continent, which lie between the parallels of latitude of their Atlantic colonies? Why did they not lay claim to all that part of California which lies between 31 deg. and 42 deg., which could have been done with equal justice, if any such principle or common rule had been pledged? And why has our M. P., almost in the same breath that he claims the right of stretching westward indefinitely, told us that "the acknowledged boundary of Spain extends to 42 deg.?"

Again, when, in 1790, England had the dispute with Spain, with regard to her pretended right of *trade* and *traffic* at Nootka Sound, why did not the learned Pitt put an end to that dispute in a minute, by saying that Nootka Sound lay between 45 deg. and 51 deg., and that England, by stretching indefinitely westward the lines of latitude of her colonies, was entitled to claim, not a right of *trade* and *traffic*, but the sovereignty of Nootka Sound?

Had any such "principle," or "common rule," such as the M. P. has now insisted on, existed, it would scarcely have escaped the acute observation of the renowned Pitt; and therefore the inference is allowable that this is an after-thought, seized upon, as a *dernier* argument, in support of a hopeless claim.

Moreover, if this rule of stretching westward to the Pacific Ocean was a common rule, as the M. P. has asserted, why does not Great Britain, in virtue of her possessions on the eastern side of the continent between north latitude 54 deg. 49 min. and 65 deg. 52 min., claim all the land between those parallels of latitude on the Pacific, whereas it is well known that Russia holds undisputed possession of those regions, and the Hudson Bay Company, the great corporate agent of Great Britain, has taken a lease from Russia of a part thereof.

In every civilized country with which we are acquainted, when one man seeks to deprive another of an acre of ground, the demandant is called upon to *make proof of his title*, as a condition precedent to

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his recovery. Upon the same principle of right, it may not be esteemed too bold to inquire, when England is seeking to take from the United States the sovereignty of a country having an area of three hundred and fifty thousand square miles, what evidence she has produced of this rule, of stretching indefinitely westward, upon which our M. P. so firmly relies? Is it a part of the law of nations, binding, by common consent, upon all civilized communities? This is not pretended. Can it be traced to any treaty made between those nations who were respectively concerned in the discovery and settlement of North America? No such treaty has been nor can be vouched. "This rule (says the M. P.) the European powers in America tacitly and mutually pledged themselves to observe." He acknowledges, then, his inability to refer to any such convention, contract or agreement between the parties in interest, and relies upon inference and implication, a very frail and dangerous base whereon to build so important a superstructure as the "pledge" in question. He has, moreover, first asserted that the rule was "universally" admitted. "In order to form a correct judgment (says our M. P.) we must throw ourselves upon those principles which at the time of western discovery were universally admitted to regulate the practice of European powers in 'America.'" Yet, immediately afterwards, he tells us that, "although it was the recognized principle, there were many instances in which it was widely departed from." And two instances, of great importance, have been above noticed, viz., those of the lands watered by the Mississippi and California, which are in direct opposition to such a rule. Our M. P. then proceeds to point out some instances in which (as he says) England acted upon the principle of this rule; but, in order to make an agreement or contract, it will not suffice to show the acts or words of one party, it requiring the consent of at least two to make an agreement of any kind. Besides which, the instances which the M. P. has adduced in proof of the rule of stretching westward to the Pacific Ocean, are none of them to the point, since they turn out, upon examination, to be nothing but English charters to their own colonists, without giving western limits; a practice which arose out of an ignorance of the geography of the North American Continent.

The two grounds upon which Great Britain claims title to Oregon, relied upon by the M. P., have now been examined. What is the result? That she has not the shadow of a claim. They shall be briefly recapitulated. 1st. The supposed discovery of Oregon by Sir Francis Drake. 2d. The right of the discoverers of lands upon the Atlantic coast to extend their lines westward to the Pacific Ocean. Both these have been fairly discussed and completely answered.

Now let us glance at the other side.

The United States claim the whole of Oregon Territory under a solemn treaty made with Spain, and afterwards confirmed by Mexico. The M. P. says that, under the transfer of Spain, the United States can derive no better title than Spain herself had. Admitted. But Spain made the first discoveries of Oregon Territory, from 1543 to 1775—and the Parliament of Great Britain has acknowledged her title to the same. [See my first lecture—the proceedings in relation to Nootka Sound.]

And as to the discovery of the Columbia River by Captain Gray and Lewis and Clarke, it is not and cannot be denied.

The M. P. admits that the United States was in possession of Oregon in 1805. He ought to have said 1792. And it is only since 1805 that Great Britain has attempted to occupy the same.

But it is obvious that in whichever way England claims Oregon, whether by the discovery of Sir Francis Drake in 1579, or by the discovery and settlement of her Atlantic colonies, the last of which, viz., Pennsylvania, was colonized in 1681, that if she ever had any title at all she must have had it previously to 1763. Now, in that year Great Britain, France and Spain made a solemn treaty settling definitively the parts of the North American Continent that belonged to them respectively, and the English historian, Bissett, in "his" continuation of Hume's History of England, tells us what was the extent of her territory on this continent at that date, including all her discoveries and acquisitions; and Oregon is NOT INCLUDED. And I have now in my possession a map, which is entitled "An Accurate Map of North America, describing and distinguishing the British, Spanish and French Dominions on this great continent according to the Definite Treaty, concluded at Paris 10th of February, 1763, also of the West India Islands, belonging to and possessed by the several European Princes and States." "The whole laid down according to the latest and most authentic improvements, by EMAN BOVEN, GEOGR to HIS MAJESTY, and John Gibson, engraver." And on this map the dominions of England extend from the Atlantic to the Mississippi; the French dominions extend from the Mississippi to the western boundary of Louisiana, and ALL THE COUNTRY BETWEEN THE LAST MENTIONED BOUNDARY AND THE PACIFIC OCEAN IS PUT DOWN AS BELONGING TO SPAIN. This evidence is conclusive as to the right of Spain, and shows that the claim now made by England is of recent date and entirely insupportable.

"The new relations of the civilized world with the East have brought the Pacific coast of America into vast and sudden importance," says our M. P. Here is the main-spring that has set in motion all the wheels of British sophistry. But they revolve in vain, for the United States never will give up Oregon (to which they have a just title) as long as the waters of the beautiful Columbia River shall continue to flow and the Rocky Mountains shall stand upon their present foundations.

PART IV.

A Review of the "Statement" of Messrs Huskisson and Addington, English Plenipotentiaries in 1827.

Truth is simple and uniform; but the British claims to Oregon are complex and contradictory. I published, at large, the letter of a distinguished member of the British Parliament. In it, as has been seen, the title of England to the Territory in question is confined to two grounds, 1st. The (pretended) discovery of Sir Francis Drake of his Island of New Albion, and—2d. The assumed right of the British crown, by virtue of the discoveries and settlements of their former Atlantic Colonies to stretch through to the Pacific Ocean. Having submitted my answers

to both these grounds, in my third Essay, it is not my purpose to resume that discussion at this moment; but I have thought proper to make the above statement of the grounds of title to show that the M. P. contended for an *exclusive* right of sovereignty over the whole soil. "Beyond the parallel of 42° (says the M. P.) England has ever steadily claimed an *EXCLUSIVE PROPRIETORSHIP*, nor has any act on her part, since her title first accrued, either weakened or interrupted her claim." I now solicit the attention of my readers while I set out the grounds of the title of Great Britain to Oregon, as contained in a *written statement* of Messrs. HUSKISSON and ADDINGTON, plenipotentiaries appointed by her in 1827. "Great Britain claims NO *EXCLUSIVE SOVEREIGNTY* OVER ANY PORTION OF THE TERRITORY IN THE PACIFIC, BETWEEN THE FORTY-SECOND AND FORTY-NINTH PARALLELS OF LATITUDE; her present claim, not in respect to any part, but to the whole, is LIMITED TO A RIGHT OF JOINT OCCUPANCY IN COMMON WITH OTHER STATES, leaving the right of exclusive dominion in abeyance; and her pretensions to the mere maintenance of her own rights, in resistance to the *EXCLUSIVE CHARACTER* of the pretensions of the U. S."

Now nothing is required but a comparison of these "pretensions" of Messrs. Huskisson and Addington with the "claims" of the M. P., to perceive that they are so completely and entirely at variance that they cannot for a single moment stand together, and that if one is adopted, the other must, necessarily, fall to the ground. The right of *prior discovery* of a nation must, by inevitable consequence, confer an *exclusive right*, if it confers any. And it was upon the strength of this conclusion that the British government ejected the Spaniards from the Falkland Islands, the Dutch from their settlements in New York, and the Swedes from the peaceful shores of the Delaware. How is it possible that a *separate* act of discovery can confer a *joint* right? The exclusive sovereignty is conferred upon the nation, in consideration of the expense, trouble, industry and perseverance of the citizens or subjects in making the prior discovery; but it would be strange indeed if this sovereignty was to be divided, equally, between those who *had* and those who *had not* been at this expense and trouble;—between those who *had* used industry and perseverance and those who *had not*. And this incongruity is rendered still more striking from the circumstance that this right of sovereignty by prior discovery, is to be enjoyed not only by *another*, but by "other States," i. e., by *all* other States who think proper, at any time to make the claim. "The claim of England (say Messrs. Huskisson and Addington) is limited to a right of *joint occupancy* in common with other States." That such a *common right*, originating in a prior discovery of any one State, is recognized by the law of nations, or has ever been acceded to, except where the nation has been forced into the measure by the fear of British arms, I confidently deny. Upon the whole, then, it appears that this "pretension" of Great Britain (as it has not inaptly been called) is a final and conclusive answer to the claims of the M. P. in right of her (alleged) prior discovery.

* "Pretension," a fictitious show or appearance.—*Barclay's Dictionary*.

But if this right of *joint occupancy* cannot be traced to the law of nations, and is, as I have shown, so much at variance with the principles which govern in such cases, whence does it derive its binding effect?

"The rights of Great Britain (continue Messrs. Huskisson and Addington) are recorded and defined in the *Convention* of 1790; they embrace the right to *navigate the waters* of those countries, to *settle in* and over any part of them and to *trade* with the inhabitants and occupiers of the same."

"The Convention of 1790?" The reader will no doubt be surprised to learn that this "Convention" was nothing more nor less than a treaty made the 28th of October, 1790, between Spain and Great Britain and *no other power*. So that here we find these plenipotentiaries, after all the denials on behalf of Great Britain that Spain had *any* right, by prior discovery or otherwise, to Oregon, laying the foundation stone of *all* her (Great Britain's) rights to the territory upon the title of the *Spaniards*! "If Spain had no title (said the M. P.) she could convey none to the U. S." This was granted, for true it is that the *waters* can be traced no higher than the *spring*. But unless there is *one* rule of interpretation where England is concerned and *another* for the U. S., England, by a Convention with Spain, could derive no greater right than was vested in the Spanish crown. Wherefore this reference of the plenipotentiaries to the "Convention" with Spain, as the "defined" and "recorded" basis of the "pretensions" of Great Britain, is a free, full and absolute admission that Spain was entitled to the territory, *in right of her prior discoveries*; that being the *only* title thereto which the Spaniards have ever set up. Now what becomes of Sir Francis Drake and his (pretended) *Island of Albion*? What becomes of that singularly erroneous notion of the M. P., of the right of Great Britain, by virtue of her discovery and settlement of her Atlantic colonies, to *stretch* (over Louisiana and California) to the Pacific Ocean? All these dreams of the M. P. have vanished before this diplomatic admission of the Spanish right, "like the baseless fabric of a vision, leaving not a wreck behind!"

Taking then the statement of these plenipotentiaries to embody the *entire* "pretensions" of G. Britain to Oregon, I pledge myself, if the reader will accompany me, to show that they are no justification for England to claim title to that territory.

In the first place, I recall attention to the circumstances under which that convention was *wrong* (I do not make use of too strong a word) from the Spaniards. I recall attention to that part of my first lecture in which I have shown, that the right to Oregon by prior discovery was in Spain, that the entry upon Nootka, by the British subjects, was a *trespass*—that the King, Lords and Commons, in Parliament assembled, acknowledged that the title to the sovereignty of Oregon was in Spain—that nothing more was claimed, on behalf of Great Britain, than a right of *trade and traffic*—that such a right to trade and traffic, without the consent of the sovereign of a country, is not recognized by any principle of the law of nations—that Spain insisted upon her exclusive right of sovereignty—that she was threatened with war by Great Britain, whose Parliament had voted a million of pounds to carry it on—that France, to whom she

applied was unable, or unwilling, to assist her—that Great Britain had 158 sail of the line, with which Spain was unable to contend—and, therefore, that this “convention” was extorted from Spain, as it were, “at the cannon’s mouth.” And I ask, with some confidence, whether, if England considers such a “convention” a proper treaty to force upon the U. S., who were no parties thereto, the U. S. will consider it an agreement which they, as the grantees of Spain, are bound to fulfil?

But secondly, I appeal to history that this “convention,” which, upon its face, has such an imposing appearance, was considered by “the high contracting powers,” more as a *paper concession*, to gratify the pride of the British people, whose passions had been much excited by the affair at Nootka, than as any real contract, to be carried into execution. Let any one read the debates in Parliament when this treaty was submitted to that body. He will there find, that the Ministry and their friends talked much of the *vindication of the honor of the nation, &c.*, while the opposition contended and showed that Great Britain had *gained nothing*; but, upon the whole, was the loser by the convention. That the papers and correspondence upon which the treaty was made, were loudly called for and obstinately withheld. That although I have, by taking, as I promised to do, the *English* account of the affair at the sound, which states that Mears “*had built a house and fortified it*,” that there is very strong reason to believe that Mears *never built any house* at Nootka,—and it is certain that, if he ever did build one, that it was a mere shanty, which was removed before Martinez came there. That the “convention” was purposely so worded that while it conveyed the idea that under its provisions *lands and buildings* were to be restored, yet for want of a sufficient specification *none ever could be restored*. That although it was promulgated in England that *two frigates* were to be sent out to the Pacific to assume possession of the lands, &c., at Nootka, that the commission dwindled down to the appointment of Mr. George Vancouver, one of Cook’s Lieutenants; who was not even sent out for this express purpose, but was about to sail on a voyage of discovery;—that in August, 1792, Vancouver was at Nootka, and was ready to receive from Quadra, the Spanish Captain, repossession of the lands, &c., (if any) taken from Mears,—that upon making strict inquiry it was found that he (Mears) was never in possession of any *lands* there, and that *no lands or houses were ever restored or put into the possession of the British*,—that on the 2d Sept., 1791, the Spaniards were still in quiet possession of Nootka,—that Vancouver returned to England in 1795, and, of course, made his report; but nothing further has been done in the business.

There is, therefore, every reason for believing that this boasted “Convention,” where the British right to Oregon is said, by the plenipotentiaries, to be “*defined and recorded*,” was one of those artifices that the *English* ministers, from time to time, play off upon the people, and that it never would have been again thought of but for the ingenuity of these plenipotentiaries.*

* In Belsham’s History of Great Britain, vol. 3, p. 337, it is stated that the Spanish flag at Nootka was never struck, and that the whole territory has been relinquished by Great Britain.

Thirdly. The Convention between Spain and Great Britain, upon which the plenipotentiaries rely, was (as above said) made in 1790.

In 1796, Spain declared war against England. Now, whatever may have been the *licenses* “*to navigate the waters of those countries, to settle in and over any part of them, and to trade with the inhabitants and occupiers of the same*,” which were derived (as it is said) from Spain, and which Great Britain, by virtue of the Convention of 1790, might claim to exercise *in time of peace*, certain it is that, by the declaration of war in 1796, all these licenses were abrogated and annulled, and that they never could be again revived, except by a new convention made by the parties in interest.

This is a principle of the law of nations, which will not be denied.

No new convention was made between England and Spain, renewing these concessions, between 1796 and the 22d February, 1819, when Spain transferred all her right, title and interest in Oregon to the United States.

So that this “*pretension*” of England to hold Oregon by virtue of this *Convention*, is only another of those *straws* by the specific gravity of which they vainly hope to keep their unfounded claim from sinking.

PART V.

The Discovery of the Columbia River.

It is proposed, in the present paper, to give a condensed view of all the facts immediately connected with the discovery of the *Columbia River*, in Oregon Territory. This river, one of the head waters of which is as far North as lat. 54, empties into the Pacific Ocean in 46 deg. 18', between two points of land; one in the North called “Cape Disappointment” or “Cape Hancock,” and the other called “Point Adams,” seven miles distant from each other. In 1775, Don Antonio Bucareli, then Viceroy of Mexico, fitted out an expedition to the North Pacific, for the purpose of examining the Coast from Cape Mendocino in lat. 40 deg. 19' to lat. 65 deg. This expedition, which consisted of the Santiago and Sonora, was placed under the command of Captain Bruno Heeceta; Juan Perez going in the former vessel as ensign, and Juan de Ayala being chief officer of the latter. These vessels on the 10th June cast anchor in a cove in lat. 41 deg. 3m., which they named “Port Trinidad.” On the 9th of July, finding themselves in the latitude where the Spaniard, Juan de Fuca, was said to have discovered a Strait, they sailed thither, and descried the Southwest side of a great Island, since called “Quadra and Vancouver’s Island,” and the Strait now called “the Strait of Juan de Fuca.” They were then driven by the winds Southward to within eighty miles of the mouth of the Columbia river, where they anchored near an Island, called by them “Isla de Delores,” in consequence of some of their men having been there murdered by the natives. The 14th August, while Heeceta was coasting Southward, he discovered a promontory called by him “Cape San Roque,” and immediately South of this, in lat. 46 deg. 16', an opening in the land which appeared to him to be a harbor or the mouth of a river. This opening was afterwards represented in the Spanish charts, printed before 1788,

by the names of "Entrada de Heceeta," "Entrada de Asuncion" and "Rio de San Roque."

In 1787, Lieutenant John Meares, an Englishman, made an attempt to re-discover this harbor or mouth of a river, but he was entirely unsuccessful. I will, at present, take *his own statement* of this affair. He says he discovered a headland in lat. 46 deg. 47, which he called "Cape Shoalwater." "Sailing thence along the coast, (says Meares) towards the South, a high bluff promontory bore us off Southeast, at the distance of only four leagues, for which we steered to double, with the hope that, between it and Cape Shoalwater, we should find *some sort of harbor*. We now discovered distant land beyond this promontory, and we pleased ourselves with the expectation of its being "*Cap. Saint Roc*" (Roque) *of the Spaniards*, near which they are said to have found a good port. By half past eleven we doubled this Cape, at the distance of three miles, *having a clear and perfect view of the shore in every part*, on which we did not discern a living creature, or the least trace of habitable life. A prodigious easterly swell rolled on the shore, and the soundings gradually decreased, from forty to sixteen fathoms over a hard, sandy bottom. After we had rounded the promontory, a large bay, as we had imagined, opened to our view, that bore a very promising appearance, and into which we steered with every encouraging expectation. The highland that formed the boundaries of the Bay was at a great distance, and a flat, level country occupied the intervening space; the Bay itself took rather a westerly direction. As we steered in, the water shoaled to nine, eight and seven fathoms, when breakers were seen from the deck, right ahead, and from the mast-head they were observed to extend across the Bay; we, therefore, *hauled out*, and directed our course to the opposite shore, to see if there was any channel, or if we could discover any port." The name of "*Cape Disappointment*" was given to the promontory, and the Bay obtained the title of "*Deception Bay*." By an indifferent meridian observation, it lies in the latitude of 46 deg. 10' North, and in the computed longitude of 235 deg. 35' East. WE CAN NOW WITH SAFETY ASSERT (says Meares) THAT NO SUCH RIVER AS THAT OF SAINT ROC (Roque) EXISTS, as laid down in the Spanish charts.*

Before I proceed to the discoveries of Captain Gray, of the American ship *Columbia*, I take leave to make a few remarks upon this account of Lieut. Meares.

The honest, plain dealing part of the community, not only of the United States, but, I trust, of England, will be surprised to learn that upon these acts of Lieutenant Meares, Great Britain maintains that *he* was the first discoverer of the *Columbia River*!

In 1836, the plenipotentiaries of the British Government presented a statement to the minister of the United States from which the following is truly extracted.

"Great Britain can show that in 1788, that is, four years before Gray entered the mouth of the *Columbia River*, Mr. Meares, a lieutenant of the Royal Navy, who had been sent by the East India Company on a trading expedition to the Northwest coast of Ameri-

ca, had already minutely explored that coast, from the 49th to the 54th degree of North latitude; had taken formal possession of the Straits de Fuca, in the name of his Sovereign; had purchased land, trafficked, and formed treaties with the natives; and HAD ACTUALLY ENTERED THE BAY OF THE COLUMBIA, TO THE NORTHERN HEADLAND OF WHICH HE GAVE THE NAME OF CAPE DISAPPOINTMENT—a name that it bears to this day."

Is it not monstrous that gentlemen who pride themselves upon their rank, station, talents and education should labor under such a delusion as to believe that diplomacy requires of them to resort to such measures? Perhaps it may be urged on behalf of these gentlemen that they were ignorant of Meares' publication, from which I have made the above extract; and I sincerely wished that this might have been the case, but unfortunately, in the same paper, these plenipotentiaries add, that "Meares' account of his voyage was published in London in August, 1790," and it is hardly fair to presume that these gentlemen had come to the discussion of the right to Oregon, without reading the book to which they refer. If they *did read it*, they must there have seen that Meares had *not* already minutely explored the coast from the 49th to 54th degree of N. Lat., that he had *not* taken formal possession of the Straits de Fuca—that he had neither purchased land, nor trafficked, nor formed treaties with the natives—that he had *not* actually entered the Bay of the Columbia River, but that on the contrary, that he had asserted that *no such river ever did exist*, and that he had called the Cape "Disappointment," because he had been disappointed in his expectation of finding the river laid down in the Spanish charts.

A more plausible, but still far from being a substantial excuse, might perhaps be suggested, in the fact, that the *papers* upon which this statement of the Plenipotentiaries was founded were fallacious, for these gentlemen proceed to say that they have appended "an extract from the log-book of Meares—maps of the coasts and harbors he visited, in which *every part of the Coast in question, including the Bay of the Columbia*, (INTO WHICH THE LOG EXPRESSLY STATES THAT MEARES ENTERED,) is minutely laid down, and an engraving, dated August, 1790, of the *entrance of de Fuca Straits*, executed after a design taken in June, 1788, by Meares himself.*

Now I appeal with confidence to every *honest man*, without regard to the nation to which he belongs, that these "extracts" and "designs," so utterly and entirely at variance with the journal published by Meares himself in London, in 1790, are *entirely destitute of credit*. If the Plenipotentiaries made use of these spurious papers, believing them to have been genuine, (which, notwithstanding the improbability of gentlemen of their extensive reading, never having perused Meares' book, published in London in 1790, to which they themselves refer, I prefer inferring,) it behoves them now to institute an immediate inquiry, and to cause to be punished the individual, whoever he may turn out to be, who has been guilty of this deception. If, on the other hand, (which I at present disclaim) the Plenipotentiaries *had read* the book of Meares, published in London in 1790, and

*Meares' account of this voyage, published by him in London, 1790, p. 167.

*I have a word more to say upon the subject of the design, which shall appear hereafter.

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they relied upon these spurious papers, knowing them to be spurious, upon the supposition that the ignorant Yankees had never seen that book, and would be unable to detect the imposition, a much graver and more distressing aspect would be put upon the whole affair. We will now proceed to show *who did* discover the Columbia River.

In the month of May, 1791, Captain Gray, of the American ship *Columbia*, of Boston, sailing along the Northwest Coast of North America, observed an opening in lat. $46^{\circ} 16'$, from which issued a current so strong as to prevent his entrance, although he remained nine days in its vicinity endeavoring to effect that object. He was, however, convinced that he had discovered the mouth of a large river. The ship *Columbia* wintered at Clყოquet. On the 29th day of April, 1792, they fell in with the English ship *Discovery*, Captain Vancouver, and Captain Gray informed Captain Vancouver of his having been "off the mouth of a river in lat. $46^{\circ} 10'$, where the outset or reflux was so strong as to prevent his entering for nine days." On the 30th of April, Captain Vancouver made the following entry in his journal, which has been since published: "We have now explored a part of the American continent, extending nearly two hundred and fifteen leagues, under the most fortunate and favorable circumstances of wind and weather. So minutely has this extensive coast been inspected, that the surf has been constantly seen to break on its shores, from the mast-head; and it was but in a few small intervals only where our distance precluded its being visible from the deck. It must be considered as a very singular circumstance, that, in so great an extent of coast, *we should not until now have seen the appearance of any opening in its shores*, which presented any certain prospect of affording shelter; *the whole coast forming one compact, solid and nearly straight barrier against the sea*. The river mentioned by Mr. Gray should, from the latitude he assigned to it, have existence in the Bay South of Cape Disappointment. This we passed in the forenoon of the 27th; and, as I then observed, *if any inlet or river SHOULD BE FOUND*, it must be a very intricate one, and inaccessible to vessels of our burthen, owing to the reefs and broken water, which then appeared in its neighborhood. Mr. Gray stated that he had been several days attempting to enter it, which at length he was unable to effect, in consequence of a very strong outset. This is a phenomenon difficult to account for, as, in most cases, where there are outlets of such strength in a sea coast, there are corresponding tides setting in. Be that, however, as it may, I was thoroughly convinced, as were also most persons of observation on board, that *we could not possibly have passed any safe navigable opening harbor, or place of security for shipping on this coast from Cape Mendocino* to the promontory of Classet*,† nor had we any reason to alter our opinions, notwithstanding that theoretical geographers have thought proper to assert in that space the existence of arms of the Ocean, communicating with a Mediterranean Sea, and extensive rivers, with safe and convenient ports."

* Lat. $40^{\circ} 19'$.

† Cape Flattery, at the entrance of the Straits de Fuca, between 48° and 49° .

Now I appeal again to the honesty of all nations whether it could be possible, that Lieutenant Meares, of the Royal Navy, could have previously visited every part of this coast, including the Bay of *Columbia*, into which the spurious extracts of his log-book, referred to by the plenipotentiaries, "expressly state that he entered." And whether he could have, in 1788, made any such "design" of the entrance to the straits of Fuca, the existence of which Captain Vancouver treats as being fabulous. That Captain Vancouver had seen Meares' book published in London, 1790, is highly probable, if not certain, for he refers to "Disappointment," the name bestowed by Meares upon the Cape, in consequence of his having been disappointed in finding the San Roque, (the *Columbia*.) What opinion then must be formed of the line of conduct of the British Government, if they persist in their endeavor to take away from the people of the United States the Territory of Oregon, upon such dishonorable and dishonest grounds as these spurious extracts and antedated designs?

But we must return to Captain Gray. On the 11th of May, the ship *Columbia* was opposite to the "Deception Bay" of Lieutenant Meares, and immediately South of his "Cape Disappointment," at the very spot where Captain Vancouver was *thoroughly convinced there was no river*. The breakers extending across the bay, presented as usual, a formidable appearance; but the gallant Yankee, nothing daunted, dashed forward, and soon found himself on the broad bosom of the *Columbia*; the waters of which were so fresh, that the casks of the ship were filled within ten miles of the Pacific Ocean. On the 14th, he ascended that river twenty miles from its mouth; anchored, landed, and traded with the natives until the 18th. On the 20th, he descended the river, passed the breakers and entered the Pacific Ocean. Captain Gray gave the name of his ship ("the *Columbia*") to the river. The Cape at the Southern side he called "Adams;" and "Hancock" was substituted for "Disappointment."*

Of the merit of this discovery, no power on earth can deprive Captain Gray. Even were *might* to overcome *right*, and the Americans to be deprived of the Territory, posterity would do justice to this bold and enterprising American. The United States has no *knighthood* to confer upon him; but his name shall descend to after times honored; not so with Sir Francis Drake's!

At Nootka Sound, Captain Vancouver was informed of the particulars of Captain Gray's successes, and received from the Spanish Commissioner, Quadra, copies of Gray's charts and descriptions; which had been obtained from Gray. In the following October, Vancouver went again in search of the *Columbia* River, and this time he found it. Now mark, my countrymen, how ingeniously and ungenerously he endeavors to deprive Captain Gray of his fame:

"The portion of the *Columbia* River near the sea (says Vancouver) was found by Captain Broughton, (who he sent in to make explorations,) to be about seven miles in width, its depth varied from two fathoms to eight, and it was crossed, in every direction, by shoals, which must always render the navigation

* Extracts from Captain Gray's log-book as published.

difficult, even by small vessels. Higher up, the stream became narrower, at the distance of twenty-five miles its breadth did not exceed 1000 yards." From these circumstances, Vancouver contends that the true entrance of the River was at that point; and hence, that, as Captain Gray had proceeded only twenty miles, he had not discovered the Columbia River! I blush for human nature as I record such sophistry. Shame upon such unbecoming envy and uncharitableness! From the point above mentioned to the

ocean is not "the River," but "an inlet" or "Sound," (says Vancouver.) I will not insult the understanding of my readers by making any comments upon this (pretended) distinction.

Such is the impartial history of the discovery of the Columbia River, upon the merits of which the impartial will decide according to the dictates of Truth and Right.

"Let Justice be done,
Though the heavens shall fall."

It is a common error to suppose that the Columbia River is the same as the River of the West. The River of the West is the name given to the great river which flows from the Rocky Mountains to the Gulf of Mexico. The Columbia River, on the other hand, is a smaller river which flows from the Rocky Mountains to the Pacific Ocean. The two rivers are not only of different lengths, but they also flow in different directions. The River of the West flows generally to the south, while the Columbia River flows generally to the west.

The Columbia River is one of the most important rivers in the Pacific Northwest. It is the only river in the region which flows from the Rocky Mountains to the Pacific Ocean. The river is about 1,400 miles long, and it has a drainage area of about 220,000 square miles. The river is the source of much of the water which is used for irrigation in the Pacific Northwest. The river is also an important source of fish, particularly salmon. The river is a major transportation route for the Pacific Northwest, and it is one of the most important features of the region's geography.

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